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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Question of Western Sahara

Report of the Secretary-General

1. At its forty-sixth session, on 11 December 1991, the General Assembly adopted, without a vote, resolution 46/67 which reads as follows:

"The General Assembly,

"Having considered in depth the question of Western Sahara,

"Recalling the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling also its resolution 45/21 of 20 November 1990,

"Recalling further that, on 30 August 1988, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro agreed in principle to the proposals of the Secretary-General of the United Nations and the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

"Recalling Security Council resolution 621 (1988) of 20 September 1988, concerning the question of Western Sahara,

"Recalling also Security Council resolution 658 (1990) of 27 June 1990, approving the report of the Secretary-General of

18 June 1990, 1/ which contains the full text of the settlement proposals as accepted by the two parties, as well as an outline of the plan of the Secretary-General for the implementation of those proposals,

"Noting with satisfaction the paragraph on Western Sahara in the report of the Tenth Ministerial Conference of the Non-Aligned Countries, held at Accra from 2 to 7 September 1991, 2/

"Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 3/

"Having also examined the report of the Secretary-General, 4/

"1. Takes note with appreciation of the report of the Secretary-General;

"2. Welcomes the unanimous adoption by the Security Council on 29 April 1991 of resolution 690 (1991), by which the Council approved the report submitted by the Secretary-General on 19 April 1991 5/ and decided to establish, under its authority, a United Nations Mission for the Referendum in Western Sahara;

"3. Also welcomes the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General accepted by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro;

"4. Endorses the call by the Security Council upon the two parties to continue to cooperate fully with the Secretary-General in the implementation of his plan as described in his report of 18 June 1990 1/ and amplified in his report of 19 April 1991;

"1/ S/21360; see Official Records of the Security Council, Forty-fifth Year, Supplement for April, May and June 1990, document S/21360.

"2/ A/46/726, annex, para. 64.

"3/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 23 (A/46/23), chap. VIII.

"4/ A/46/589.

"5/ S/22464 and Corr.1; see Official Records of the Security Council, Forty-sixth Year, Supplement for April, May and June 1991, document S/22464.

"5. Pays tribute to the Secretary-General for his action with a view to settling the question of Western Sahara by the implementation of his peace plan;

"6. Expresses its full support for the efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in accordance with the objectives mentioned in his report of 19 April 1991;

"7. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the General Assembly at its forty-seventh session;

"8. Invites the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the implementation of the present resolution."

2. The present report, which covers the period from 24 October 1991 to 2 October 1992, is submitted in pursuance of paragraph 8 of the above resolution.

3. The Secretary-General has pursued his mission of good offices jointly with the current Chairman of the Organization of African Unity (OAU) on the question of Western Sahara.

4. In pursuance of Security Council resolution 690 (1991) of 29 April 1991, in which the Council requested the Secretary-General to keep it informed regularly of the implementation of his settlement plan for Western Sahara, the Secretary-General submitted a report to the Council on 19 September 1991. 1/ The Secretary-General indicated that, owing to slow progress in the accomplishment of certain tasks, the timetable accepted by the Security Council, which had been proposed in his report of 19 April 1991, 2/ had to be adjusted. That was largely due to the complexity of the identification process, whose purpose was to establish the list of those who would vote in the referendum. The Secretary-General reported that the general regulations governing the organization of the referendum had been promulgated and had been made available to the President of the Security Council on 11 November 1991. The mandate of the Identification Commission and instructions relating to its tasks had also been finalized.

5. On 31 December 1991, the Security Council unanimously adopted resolution 725 (1991), in which, inter alia, it approved the efforts of the Secretary-General for the organization and the supervision, by the United Nations in cooperation with OAU, of a referendum for self-determination of the people of Western Sahara and therefore welcomed the report of the Secretary-General. 1/

6. Speaking on the question of Western Sahara at the opening of the session of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, on 5 February 1992, the Secretary-General stated that the question was a matter of particular concern to the international community. Under the guidance of the Security Council, which remained seized of the question, he would actively pursue the efforts of the United Nations, in cooperation with OAU, to find a peaceful, just and lasting solution (A/AC.109/PV.1398; see also A/AC.109/1125).

7. On 14 February 1992, the Secretary-General met with Mr. Mohamed Abdelaziz, Secretary-General of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO), and other representatives of the Frente POLISARIO in New York. The Secretary-General and Mr. Abdelaziz agreed on the importance of giving new momentum to the United Nations operation in Western Sahara.

8. The Secretary-General submitted a report to the Security Council on the United Nations Mission for the Referendum in Western Sahara (MINURSO) on 28 February 1992, 3/ in pursuance of paragraph 4 of Council resolution 725 (1991). The report covered the military aspects of MINURSO, as well as other aspects of the operation, including developments which had taken place since the last report to the Council on 19 December 1991. 1/ In the conclusions and recommendations of the report, the Secretary-General noted that the referendum in Western Sahara should have taken place in January 1992. However, it had not been possible to proceed in conformity with the original timetable, in view of continuing problems and persistent differences of interpretation with regard to the implementation of the plan. He did believe that a target date should be set for the resolution of all outstanding issues that blocked the implementation of the plan. In his view, three months would be a reasonable period to set for that task. He would accordingly propose to report further to the Security Council not later than the end of May 1992. Meanwhile, the Secretary-General recommended that the current level of MINURSO activity be maintained for the above-mentioned period and that the mandate of the military elements of MINURSO continue to be restricted to verifying the cease-fire and cessation of hostilities in the areas defined in September 1991.

9. In a letter dated 23 March 1992 addressed to the President of the Security Council, the Secretary-General informed him that after extensive consultations with the parties concerned, he had decided to appoint Mr. Sahabzada Yaqub-Khan, former Minister for Foreign Affairs of Pakistan, as his Special Representative for Western Sahara to replace Mr. Johannes J. Manz, who had resigned in December 1991. 4/

10. In his reply to the Secretary-General dated 25 March 1992, 5/ the President of the Security Council informed him that the members of the Council welcomed that appointment. The members of the Council had also taken note of his report of 28 February 1992 on MINURSO 3/ and reiterated the Council's

support for his efforts and the efforts to be made by the Special Representative to accelerate the implementation of the settlement plan for a referendum for self-determination of the people of Western Sahara.

11. On 29 May 1992, the Secretary-General submitted to the Security Council a further report on the situation concerning Western Sahara. 6/ With regard to military aspects, the Secretary-General informed the Council that in its existing limited deployment, the role of the MINURSO military unit was essentially limited to monitoring and verifying the cease-fire into which the parties had entered. On other aspects, the Secretary-General reported that the Special Representative had made a tour of the mission area, including the neighbouring countries, Algeria and Mauritania, from 19 to 30 April 1992. On the basis of his initial contacts with the parties, the Special Representative had concluded that their respective positions remained far apart and that those differences continued to present serious obstacles to the implementation of the settlement plan. At the same time, he was encouraged to find that both parties continued to be committed to the plan as a framework for a just and permanent solution to the Western Sahara conflict. Additionally, both Algeria and Mauritania had promised him their full support and cooperation in order to overcome existing obstacles and to facilitate the execution of the plan. In the light of his findings, at the conclusion of the tour, the Special Representative explored with each of the parties their readiness to hold talks with him in an effort to reactivate the plan. Both parties had agreed to do so. The talks were under way at that time and were being held within the framework of the settlement plan.

12. In the light of the foregoing and bearing in mind the critical role MINURSO observers were playing for the maintenance of peace and tranquillity pending the settlement of the conflict, the Secretary-General recommended that the Security Council extend the mandate of MINURSO for a further period of three months, until the end of August 1992. He hoped that by then substantial progress would have been made to prepare the ground for the holding of a referendum leading to the peaceful settlement of the conflict. However, if by that time the peace process remained deadlocked notwithstanding the efforts of the Special Representative the Security Council might wish to consider a different approach.

13. In a letter dated 3 June 1992 addressed to the Secretary-General, 7/ the President of the Security Council informed him that the members of the Council welcomed the fact that the two parties had agreed to engage in discussions with the Special Representative, with a view to reactivating the settlement plan. They also reaffirmed their support for the efforts which the Secretary-General and his Special Representative were making in that connection. The members of the Council shared the Secretary-General's views on the necessity of maintaining in place the MINURSO personnel currently deployed in Western Sahara in order to monitor the cease-fire.

14. At the twenty-eighth ordinary session of the Assembly of Heads of State and Government of OAU, at Dakar on 29 June 1992, the Secretary-General made a statement in which, inter alia, he informed the Assembly on the current

efforts to reactivate the settlement plan. The Secretary-General also held consultations with Mr. Salim Ahmed Salim, Secretary-General of OAU.

15. On 10 July 1992, the Secretary-General issued a statement 8/ in which he announced that each party to the Western Sahara conflict had agreed to hold talks with the Special Representative, in an effort to reactivate the settlement plan which had been deadlocked for several months. The first round of the talks, which involved consultations with the parties in Geneva, Rabat, Tindouf and New York, had concluded on 2 July. The Secretary-General had agreed that the talks would continue over the coming weeks, in the hope that it would be possible to achieve concrete progress towards eliminating the obstacles standing in the way of holding a referendum under United Nations auspices to determine the future status of Western Sahara. The Secretary-General expected that both parties would continue to cooperate fully with the Special Representative in his efforts to reactivate the process leading towards the referendum in the Territory and that, in that spirit, they would refrain from any action which might adversely affect the progress of those efforts.

16. The Secretary-General submitted to the Security Council a further progress report on the situation on 20 August 1992, 9/ as requested by the President of the Council in his letter to the Secretary-General of 3 June 1992. 7/ The Secretary-General reported that the above-mentioned talks focused on the formulation of safeguards to protect the political, economic, social and other rights and liberties of the losing side in the referendum, whatever the outcome. The talks were expected to create a climate of mutual trust and confidence in which obstacles to the holding of the referendum, i.e. in the first instance, the criteria for eligibility to vote in the referendum, could be overcome. Whereas such an agreement remained to be negotiated, the talks did achieve their principal purpose in the sense that both parties then stood ready to engage in a new round of talks with the Special Representative, this time devoted to the interpretation of the criteria for eligibility to vote annexed to the Secretary-General's report of 19 December 1991. 1/ Those criteria had been immediately accepted by Morocco, notwithstanding its reservations concerning some provisions which it found to be unnecessarily restrictive. However, the Frente POLISARIO had rejected those criteria on the grounds that they would unduly enlarge the electoral body beyond those voters included in the census of 1974. Nevertheless, the Frente POLISARIO had gradually reassessed its position in the light of the efforts being undertaken by the Special Representative to relaunch the settlement plan. Without prejudice to its position on the criteria, the Frente POLISARIO agreed to support the efforts of the Special Representative aimed at ensuring that both parties arrive at the same interpretation of all criteria.

17. The Secretary-General further indicated that recently it had been reported that the Government of Morocco was planning to hold municipal and legislative elections, as well as a plebiscite on constitutional reform in the coming months; and that the inhabitants of Western Sahara would be eligible to vote therein. In light of those reports, the Secretary-General had asked his Special Representative to seek clarification from the Government of Morocco

and, subject to confirmation of those plans, to explore the possibility of a postponement until after the holding of a United Nations referendum. The Special Representative was informed, during his visit to Rabat in early August 1992, that, should elections be held, Morocco expressed readiness to give a written commitment to the Secretary-General in a formal letter from the Foreign Minister to the effect that those elections were quite independent of and separate from the holding of a referendum under the United Nations plan and that Morocco solemnly reaffirmed its commitment to abide by the results of the United Nations referendum. Morocco subsequently reaffirmed its commitment in a letter dated 21 August 1992, addressed to the Secretary-General by the Minister for Foreign Affairs and Cooperation of Morocco, 10/ regarding the coming local and national elections.

18. On the military aspects, the Secretary-General indicated in the same report 9/ that two military observers on patrol in the extreme north-east of the Territory had sustained injuries when their vehicle was blown up by an anti-tank mine. That unfortunate incident underlined the serious hazards posed by mines in many parts of the Territory. It had been indicated to MINURSO that in many instances minefields were not properly charted, which would explain occasional casualties on both sides due to mine explosions. The Secretary-General recalled, however, that both parties were obliged to provide MINURSO with the best available and most up-to-date information on the location of minefields, so that MINURSO could enjoy the fullest possible freedom of movement in secure conditions in the Territory, in conformity with the settlement plan. To that effect, the Secretary-General urged both parties to ensure that all available information of that nature was transmitted to MINURSO.

19. In his reply to the Secretary-General dated 31 August 1992, 11/ the President of the Security Council stated that the members of the Council shared the Secretary-General's views on the necessity of the parties scrupulously abiding by the cease-fire and abstaining from any provocative behaviour endangering the settlement plan. They also expressed the hope that both parties would extend their full cooperation to the Secretary-General and the Special Representative in their efforts to achieve speedy progress in the implementation of the plan. The members of the Council also strongly urged the parties themselves to make extraordinary efforts to ensure the success of the plan.

20. In a statement before the Tenth Conference of Heads of State or Government of Non-Aligned Countries at Jakarta on 1 September 1992, the Secretary-General indicated that his Special Representative was seeking to reconcile differences regarding participation in the referendum of the people of Western Sahara in accordance with the relevant Security Council resolution. The Secretary-General also held consultations with Mr. Abdou Diouf, President of Senegal and current Chairman of OAU.

21. The Secretary-General informed the President of the Security Council on 16 September 1992 12/ that the tour of duty of Brigadier General Luis Block Urban (Peru), who had been serving as Acting Force Commander of

MINURSO since 24 April 1992, would come to an end on 30 September 1992. The Secretary-General proposed to appoint Colonel André Van Baelen of Belgium as Acting Force Commander of MINURSO, with effect from 1 October 1992. The President of the Security Council informed the Secretary-General on 21 September 1992 that the members of the Council agreed to his proposal. 13/

22. The Secretary-General and his Special Representative have maintained close contact with the Chairman of OAU on developments relating to the question of Western Sahara. The Secretary-General has also remained in regular contact with the two parties and government officials of the neighbouring countries either personally or through his senior aides in order to expedite the implementation of Security Council resolution 690 (1991) of 29 April 1991.

23. The Secretary-General met with the current Chairman of OAU in New York on 30 September 1992. During the meeting, they exchanged views on various important international questions of concern to OAU and the United Nations, including the question of Western Sahara.

OBSERVATIONS

24. In accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations and with the consent of the Security Council, the Secretary-General notified the General Assembly at its forty-seventh session of matters relative to the maintenance of international peace and security that were being dealt with by the Security Council and of matters with which the Council had ceased to deal (A/47/436). Included among the matters relative to the maintenance of international peace and security that had been discussed by the Security Council during the period since the notification to the Assembly at its forty-sixth session was "The situation concerning Western Sahara".

25. As is evident from the present report, the Security Council currently continues to exercise in respect of the situation concerning Western Sahara functions assigned to it in the Charter of the United Nations.

26. In a letter dated 2 October 1992 addressed to the President of the Security Council, 14/ the Secretary-General indicated his intention to submit within the next eight weeks a full report to the Council on his Special Representative's current efforts to reactivate the implementation of the settlement plan. Meanwhile, he proposed to maintain the existing deployment and staffing of MINURSO.

Notes

1/ S/23299.

2/ S/22464 and Corr.1.

Notes (continued)

3/ S/23662.

4/ S/23754.

5/ S/23755.

6/ S/24040.

7/ S/24059.

8/ United Nations press release SG/SM/4781.

9/ S/24464.

10/ S/24484, annex.

11/ S/24504.

12/ S/24579.

13/ S/24580.

14/ S/24644.